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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/213,510 12/17/98 BRANDT P 3557-US

MARTIN A FARBER
866 UNITED NATIONS PLAZA
SUITE 473
NEW YORK NY 10017

MM22/0217

EXAMINER

NGUYEN, D

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 02/17/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/213,510

Applicant(s)
Brandt et al.

Examiner
Dung Nguyen

Group Art Unit
2871



- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-15 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-15 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☒ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____.
- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2871

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 03/08/1999 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because all the Germany and Europe references were not accompanied by an explanation in English--. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 4, 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding claim 3, it is confusing and unclear what meant by "pole filter". According to the liquid crystal art, two polarizers (front and rear) are needed in order to operate a liquid crystal display (LCD) device. Therefore, for the purpose of the examination, it is assumed that Applicant intends to claim the polarizer being in front and rear of the LCD device.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 1, 6 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al., US Patent No. 5,741,058.

The above claims are anticipated by Suzuki et al. figures 1-3 which is disclose a display unit suitable for a vehicle comprising:

- a dial plate and a display located in a region of the dial plate (fig. 1);
- the front of the display (21-26) arranged in the same plane as the front of dial plate and faced an observer;

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- the display can be an LCD device (col. 14, ln. 65) having a front panel, a rear panel and polarizers, a spacer (e.g., air or retardation plate as a lightproof channel) between the polarizers and the panel and a light source (according the LCD device);
- a cover film (3) applied to the front of the dial plate having a scale;
- an optical waveguide (20A, 20B) in contact with the dial plate;
- a support element (50) arranged at the back of the dial plate.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-5, 7-8, 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al., US Patent No. 5,741,058.

Regarding claims 2-5, 7-8, 11-15, Suzuki et al. disclose the claimed invention as described above except for a cutout part in the dial plate, so as the polarizer which attached to the front panel of the LCD device arranged in the cutout part. However, one of ordinary skill in the art would have realized the desire to cutout a part of the dial plate to fix a display in. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to

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arrange a display in a cutout part in the dial plate because it is a common practice in the art to fix a display in and design for dial plate.

Regarding claim 10, although Suzuki et al. do not disclose the dial plate being made of plastic. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use plastic as a material of the dial plate, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.


Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dung Nguyen whose telephone number is (703) 305-0423. The fax phone number for this Group is (703) 308-7726.

Any information of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956.

DN
02/08/2000


William L. Sikes
Supervisory Patent Examiner
Group 2871